

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KEITH PEARSON,  
Plaintiff,

v.

CIVIL ACTION NO.  
08-11733-NMG

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,  
Defendant.

**REPORT AND RECOMMENDATION RE:  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT  
(DOCKET ENTRY # 14)**

**February 3, 2012**

**BOWLER, U.S.M.J.**

Pending before this court is a motion for summary judgment filed by defendant Massachusetts Bay Transportation Authority ("MBTA" or "defendant") pursuant to Rule 56, Fed. R. Civ. P. ("Rule 56"). (Docket Entry # 14). Plaintiff Keith Pearson ("plaintiff") filed an opposition (Docket Entry # 18) and, after conducting a hearing, this court took the motion for summary judgment (Docket Entry # 14) under advisement.

PROCEDURAL HISTORY

The four count first amended complaint alleges violations of: (1) Massachusetts General Laws chapter 151B ("chapter 151B") based on race discrimination (Count One); (2) 42 U.S.C. § 2000(e) *after consideration of the objections of the parties thereto (Docket Nos. 21, 22 and 23), Report and Recommendation is accepted and adopted. /s/ M. Gorton, USDJ 3/8/12*